



October 16, 2009

Federal Trade Commission  
Office of the Secretary  
Room H-135 (Annex V)  
600 Pennsylvania Avenue NW  
Washington, DC 20580

Re: Vocational School Guides Review, Matter No. P097701

To Whom it May Concern:

On behalf of the Career College Association, we would like to thank you for this opportunity to comment on the FTC's "Vocational School Guide," as detailed in the July 30, 2009 *Federal Register* notice.

CCA is the preeminent membership association representing for-profit higher education institutions in the United States. All CCA member institutions are licensed by the state in which they are located and accredited by a national and/or regional accrediting agency recognized by the U.S. Department of Education. Almost all CCA member schools participate in the federal student financial aid programs.

Our 1,500 members include large, publicly traded college systems; smaller multi-campus institutions; and family owned single-campus schools. CCA members offer programs ranging from short-term career-specific certificate and diploma programs to associate and bachelor's degrees, master's degree, doctoral, and professional degree programs in more than 200 fields. These institutions operate on "traditional" semester basis; year-round rolling starts; clock hours; and virtually every schedule in between. Additionally, our representation includes brick-and-mortar institutions, online colleges, and hybrid programs.

Currently, the Guide applies to all institutions offering less-than-two-year degree program; accredited institutions of higher education offering at least a 2-year program of study generally acceptable for credit toward a bachelor's degree are not subject to the Guide.

CCA believes all institutions of higher education that are accredited by an accrediting agency recognized by the Secretary of Education and licensed by the state in which they operate should be exempt from the requirements of the Guide. State regulating bodies and accrediting agencies have requirements similar to the Guide, with many state and accreditation rules being stricter.

Additionally, since the last revision of the Guide, the Department of Education has implemented regulations that significantly limit recruitment activities and the compensation paid to recruiters to further protect consumers attending all schools that are eligible to disburse Title IV federal student assistance. The rules in the guide are duplicative and create additional burdens in terms of time, effort and cost, and could lead to confusion and unintentional noncompliance.

Specifically, the Commission asked for comment on 18 questions regarding the Guide; CCA's response to several of the questions follows.

**1. Is there a continuing need for the Guides as currently promulgated? Why or why not?**

CCA believes the guides are not required for any institution that is accredited by a recognized accrediting agency and licensed by the state in which it operates. Accrediting agencies and state regulatory bodies have rules in place that accomplish the same compliance goals as the Guides, with accreditation and state standards often being more rigorous. In support of this statement, we have attached copies of randomly selected State regulations and accreditation standards that accomplish the same goals as the Guide. Requiring these institutions to comply with the Guide in addition to these rules is duplicative, burdensome, and can create confusion and unintended noncompliance.

CCA does believe, however, that the Guides do provide important consumer protections for current and prospective students of institutions that are not accredited by a Secretary-recognized accrediting agency or licensed in the state in which they operate. These institutions are not already subject to the rules in the Guide via another regulatory body, therefore the Guide is not duplicative or overly burdensome in these instances.

**17. Do the Guides overlap or conflict with other federal, state, or local laws or regulations? If so, how?**

The Guides are duplicative of the standards required by accreditors recognized by the Secretary of Education and many state licensing bodies. The requirements are similar in many instances, with the accreditation and state rules often being stricter.

**(a) What evidence supports this?**

In support of this, attached you will find the pertinent standards of several randomly selected regional and national accrediting agencies recognized by the Secretary of Education and state regulatory bodies, which accurately represents the consumer protections provided to all students at licensed and accredited vocational schools.

**(b) With reference to the asserted conflicts, should the Guides be modified? If so, why and how? If not, why not?**

We believe the guide should be modified to exempt all institutions accredited by an agency recognized by the Secretary of Education and licensed in the state in which they operate.

**(c) Is there evidence concerning whether the Guides have assisted in promoting national consistency with respect to the advertising and promotional claims used by distance education schools to recruit students? If so, please provide that evidence.**

CCA is unaware of any evidence the Guides promote national consistency in regards to advertising and promotional claims used by institutions. We do believe, however, that accreditation standards and state regulations are rigorous and strictly enforced, and provide ample consumer protections.

The Career College Association appreciates this opportunity to comment on the FTC “Vocational School Guide.” I would be happy to provide you with any additional information or answer any questions you may have. I can be reached at 202-336-6754 or via email at [HarrisM@career.org](mailto:HarrisM@career.org).

Sincerely,

Harris N. Miller  
CEO and President  
Career College Association

Below are the advertising and marketing standards taken from the ACICS Accreditation Criteria, Policies, Procedures, and Standards, with the most relevant portions highlighted. Also included are the page numbers that correspond with the pages in the pdf version, available at <http://www.acics.org/publications/criteria.aspx#3-5-200>

Accreditation Criteria Policies, Procedures, and Standards  
**Accrediting Council for Independent Colleges and Schools**

*Effective August 10, 2009*

**2-1-807. Denoting Accreditation.** Only after accreditation is granted by ACICS may an institution so denote its status in official publications or in advertising. The form of notice is prescribed by ACICS, and specific permissible language is set forth in Guidelines for Institutional Publications in Appendix C. (pg. 12)

**2-2-100 – NONMAIN CAMPUSES**

**2-2-101. Initiation of Nonmain Campus Activity.** A nonmain campus activity includes any ongoing instructional activity offered at a site away from the main facility. Such activities are described in Section 1-3-100. Reporting requirements are as follows:

- (a) *Branch Campus.* It is the responsibility of the institution to notify ACICS of the intention to initiate a branch campus before the branch begins classes. Activity must be initiated at the branch campus within one year of the proposed start date. A branch campus must be approved by the Council before advertising, recruiting, and enrollment may take place. Failure to notify ACICS prior to the initiation of a branch campus may call into question the accreditation of the main campus. (pg. 13)

The institution shall provide, on Council forms, the rationale for initiation of the branch and other information about the educational programs, credentials to be awarded, faculty, learning resources, physical and financial resources, strength in supporting fields, admission and graduation requirements, compliance with state law and authority to operate, number of students, and administrative arrangements. An acceptable catalog which identifies the branch campus also shall be included as part of the application.

The Council will monitor the number of branch applications submitted for each main campus and campuses under common ownership based on a demonstration of sound administrative and financial capabilities. The Council reserves the right to limit the number of branches based on its review of demonstrated administrative and financial capabilities.

- (b) *Learning Site.* It is the responsibility of the institution to notify ACICS of any new learning site activity prior to initiation. Activity must be initiated at the learning site within one year of the proposed start date. A learning site must be approved by the Council before advertising, recruiting, and enrollment may take place. The institution shall provide, on Council forms, the location of the activity, its educational purpose, the programs offered, the number of students involved, and any additional information ACICS may request. (pg. 13)

### **3-1-700 – PUBLICATIONS**

It is important for institutions to recognize the value of “truth in advertising” when promoting their operations. Publications must be prepared and presented in a professional manner to reflect favorably upon the institution. Information published must be accurate and factual and reflect the current status of the institution. Only the Council can accept or reject an institution’s catalog, and a final decision will not be made based on a draft.

**3-1-701. *Catalog.*** Each institution shall publish and provide to each enrolled student a catalog which complies with Appendix C, “Guidelines for Institutional Publications.”

**3-1-702. *Multiple-School Catalog.*** All institutions utilizing a common catalog must be of common ownership. Photographs of the physical facilities of any of the institutions must be captioned to identify the particular institution or campus depicted. The faculty and staff of each institution and the members of the general administration exercising supervisory responsibility for the group of institutions must be clearly identified with respect to each institution and the overall administration. Any information contained in the catalog that is not common to all institutions in the group should be presented in such a manner that no confusion, misunderstanding, or misrepresentation is possible. For further information, see Appendix C.

**3-1-703. *Advertising.*** Literature used by an institution must be presented in such a manner as to be factual with respect to services offered or benefits promised. An English translation for advertising that is in a language other than English must be available. For further information, see Appendix C. If an institution publicly discloses incorrect or misleading information about its accredited status, the contents of an evaluation team report, or accreditation actions with respect to the institution, the institution must make a public disclosure of correction through the same media or means. (pg.48)

**3-5-202. *Education Requirements.*** The minimum number of credits required for the bachelor’s degree shall be 120 semester hours, 180 quarter hours, or their equivalent, normally earned over a period of eight semesters, 12 quarters, or their equivalent. Transfer and award of credit for appropriate work at other institutions may be granted.

There shall be a minimum of 60 semester hours, 90 quarter hours, or their equivalent within the areas of concentration; and a minimum of 36 semester hours, 54 quarter hours, or their equivalent in general education courses. Courses within the area of concentration of the subject matter of the program shall not be considered general education courses. The catalog must identify the courses that satisfy the concentration and general education requirements and those that are upper-division courses, and it must provide an explanation of the course numbering system. The catalog must state the expectations for all four years of the bachelor’s degree curriculum and comply with Appendix C, Guidelines for Institutional Publications. If the institution offers only the last two years of the bachelor’s degree program, the catalog and all advertising materials must clearly describe the requirements for admission, including requirements for the completion of necessary prerequisite courses and general education courses to ensure that the student will complete all of the requirements for the bachelor’s degree upon graduation.

General education and academic subject offerings, as distinguished from the professional or vocational offerings of a collegiate institution, shall place emphasis on principles and theory and not on practical applications associated with a particular occupation or profession. General education courses give balance to the total program and must be appropriate for the program and the needs of the students. The Council's expectations for general education, humanities, mathematics and the sciences, and social sciences are outlined in the Glossary section. (pg. 59)

## **APPENDIX B Procedures and Guidelines for Unannounced Visits**

### **UNANNOUNCED VISIT FACT SHEET**

The Council, at its discretion, may direct an unannounced visit to occur at an institution about which it has received adverse information or when general operations of the institution may be called into question. This Fact Sheet is designed to assist the institution and the visiting team in conducting this visit as smoothly and efficiently as possible.

#### **Visit Procedures**

The purpose of this visit is to review records, interview students and staff, and, if applicable, review previously cited problem areas and verify responses to previous requests for information, such as complaints and admonishments. The team may consist of a staff member, an experienced evaluator, or both. Expect the team to spend the full day at your institution.

Upon arrival, the team will ask to speak with the chief on-site administrator. Following a brief interview, the team is to be given a short tour of the facility, including records storage areas, and then shown to a work room. This room could be an empty classroom or office or the resource room/library, and it should be available exclusively for the team for the entire visit.

The institution must make the following information available to the visiting team:

1. Most recent Annual Institutional Report.
2. Current catalog and addenda (if applicable).
3. Current class schedule, including names of instructors and room numbers.
4. Most recent ACICS accreditation visit team report and institutional response.
5. Copy of each government program review and compliance audit conducted within the prior two years and any institutional responses.
6. Faculty/personnel records.
7. All student records, including admissions, academic, and financial.
8. **Copies of institutional advertising.**

Additional records may be requested by the team. Staff, faculty and students will be interviewed. Institutions are encouraged to have these records in a central location where more than one person can access them, should the chief on-site administrator not be present.

#### **Report and Subsequent Actions**

A report will be prepared and sent to the institution for response. If the institution is found to be operating in accordance with the *Accreditation Criteria*, no further action will be taken.

If the institution is found to be violating provisions of the *Accreditation Criteria*, the Council may direct the institution to show cause why its accreditation should not be withdrawn, or it may direct that a full team visit the institution to evaluate its correction of these violations.

#### **APPENDIX C Guidelines for Institutional Publications**

These guidelines are designed to assist institutions in complying with the Council's criteria for institutional publications, including catalogs, advertising literature, and other published documents describing the institution.

##### **Catalog**

The Council requires all accredited institutions and all applicant institutions to publish an acceptable catalog. Accredited institutions under the same ownership or control may publish a common catalog, but it should be specific as to the faculty, programs, and student services available at each location (see "Multiple-School Catalogs" in these Guidelines). All enrolled students must have access to the current catalog.

A catalog is written for many purposes and is directed toward a varied audience. The catalog becomes an announcement and a record and should be dignified in appearance. It must not be primarily a promotional publication, nor should it be directed toward a single segment of its varied audience. The catalog has been determined by the courts to be a legal document of the institution concerned.

The catalog should explain the offerings and services of an institution, but it should not glorify or extol. It should reflect the dignity and integrity of the institution it describes. The e catalog must be available in hard copy, and may also be available in a read-only electronic format. The e hard copy catalog must be appropriately printed and bound. The e catalog may include illustrations and photographs that are pertinent to the institution.

At a minimum, the catalog must contain the following items. Items 7, 8, and 16 (listing of faculty, academic calendar, and statement of tuition and fees) may be listed on a catalog supplement, provided that such supplement is printed, dated, and identified as part of the current catalog, and the catalog makes reference to the supplement. Thereafter, this supplement must be enclosed in each copy of the catalog.

1. A table of contents and/or an index.
2. An indication, on the front cover or on the title page, of the year or years for which the catalog is effective.
3. The names and titles of the administrators of the institution.
4. A statement of legal control which includes the names of trustees, directors, and officers of the corporation.
5. If the institution is now accredited, a statement denoting this fact (see "Statement of Accreditation" in these Guidelines).

6. A statement of the mission of the institution.
7. A listing of the full-time faculty members, showing:
  - (a) academic credentials held;
  - (b) institutions awarding the credentials; and
  - (c) the area of teaching specialization.
8. An academic calendar (calendar of events) showing beginning and ending dates of terms, quarters, or semesters; holidays; registration dates, etc.
9. The full disclosure of the institution's admission requirements, policies, and procedures, including the basis for admissions, test requirements, advanced standing requirements, and experiential learning assessment requirements.
10. A statement of the curriculums (programs) offered, including for each:
  - (a) a statement of the objective or purpose of the curriculum;
  - (b) an accurate and complete listing of the courses included in each curriculum, each with a unique identifying number and title;
  - (c) the credit or clock hours awarded for each subject;
  - (d) the total credits or clock hours required for satisfactory completion of the curriculum;
  - (e) requirements for certification, licensing, or registration in the program career field, as appropriate; and
  - (f) any additional or special requirements for completion (e.g., typing, shorthand).
11. A description of each course (subject) offered, including:
  - (a) identifying number;
  - (b) title;
  - (c) credit or clock hours awarded;
  - (d) a complete but concise description of the contents of the course; and
  - (e) prerequisites, if any.
12. An explanation of the grading or marking system (consistent with that appearing on the student transcript).
13. A definition of the unit of credit. If credit hour, identify whether quarter or semester. (See Section 3-1-515 for additional information.)
14. An explanation of standards of satisfactory progress. (See Section 3-1-420 for additional information).
15. A description of the certificates, diplomas, and/or degrees awarded, together with a statement of the requirements to be met in each instance.
16. A statement of the tuition, fees, and all other regular and special charges.
17. A complete and accurate listing of all scholarships offered (see Section 3-1-431 of the *Accreditation Criteria*).



18. A statement of the institution's refund policy and formula relative to method of financial obligation. This policy must be clearly outlined and must comply with Sections 3-1-433 and 3-1-434, of the *Accreditation Criteria*.

19. A statement pertaining to the nature and extent of student services offered (e.g., counseling and placement).

20. A grievance procedure that includes the name and address of ACICS, unless the grievance procedure is published in a student handbook.

21. If the institution offers degrees, the catalog must include the following information:

- (a) for occupational associate's degree programs, identification of courses that satisfy the general education requirement and an explanation of the course numbering system;
- (b) for academic associate's degree programs, identification of courses that satisfy the general education and concentration requirements and an explanation of the course numbering system;
- (c) for bachelor's degree programs, identification of upper-division courses and courses that satisfy the general education and concentration requirements and an explanation of the course numbering system; and
- (d) for master's degree programs, an explanation of the course numbering system.

22. If the institution offers courses via distance education, the catalog must include the following information:

- (a) a description of each mode of distance education delivery method used;
- (b) the admission requirements for the courses or program(s) of study offered through distance education if different from the admission requirements for the residential programs;
- (c) a description of tests used in determining access to distance education courses and programs, if applicable;
- (d) a description of the resources and equipment the students must have to avail themselves of the instruction (including, computer requirements such as hardware and software, internet access, access to library/college for monitoring of examinations, etc.); and
- (e) the special costs and fees associated specifically with distance education (e.g., platform access fees, on-line library access fees, purchase of books on-line).

### **MULTIPLE-SCHOOL CATALOGS**

1. All institutions utilizing a common catalog must be of common ownership or control.

2. Pictures of the physical facilities of any of the institutions must be captioned to identify the particular institution or campus depicted.

3. Faculty and administrative staff must be listed in the catalog and be clearly identified for each institution. The administrative staff for the group of institutions also must be listed.

4. Any information contained in the catalog that is not common to all institutions in the group shall be presented in such a manner that no confusion, misunderstanding, or misrepresentation is possible.

5. The catalog must comply with the existing standards in all respects as outlined in these Guidelines.

### **ADVERTISING**

Any advertisement or promotional literature written or used by an institution shall be completely truthful and dignified. The material shall be presented in a manner which avoids leaving any false, misleading, or exaggerated impressions with respect to the institution, its personnel, its courses and services, or the occupational opportunities for its graduates. An English translation for advertising that is in a language other than English must also be available.

1. All advertising and promotional literature used by an institution must clearly indicate that training or education, and not employment, is being offered.

2. All advertising and promotional literature must include the correct name of the institution. So-called "blind" advertisements are considered misleading in character.

3. Institutions placing advertisements in classified columns of newspapers or other publications to attract students must use only classifications such as "Education," "Schools," or "Instruction." Headings such as "Help Wanted," "Employment," or "Business Opportunities" may be used only to procure employees for the institution.

4. Letters of endorsement, commendation, or recommendation may be used in catalogs, sales literature, or advertising, provided prior consent is obtained and no remuneration is made for either the consent or use of the endorsement. Such letters shall be kept on file and be subject to review. Testimonial letters may be used only when they are strictly factual and portray currently correct conditions or facts.

5. An institution shall not use the words "free" and "guarantee" for advertising or sales promotion purposes in a manner that is misleading to potential or current students. A disclosure must be made for services which are funded by third parties that are offered at no cost to students.

6. An institution shall not offer monetary incentives to the general public to visit, enroll in, attend, or complete a program. Further, monetary incentives for failure to be placed in a job shall not be offered as an inducement to enroll.

7. References to financial aid availability shall include the phrase "for those who qualify."

### **STATEMENT OF ACCREDITATION**

When making public disclosure of accredited status in its catalog, the institution must include the name, address, and telephone number of ACICS.

For institutional catalogs, the fact of accreditation shall be stated only as follows:

*“Accredited by the Accrediting Council for Independent Colleges and Schools to award (name all applicable specific credential levels from among certificates, diplomas, associate’s degrees, bachelor’s degrees, and master’s degrees).”*

*Or*

*(Name of institution) is a (junior college [if institution awards an academic associate’s degree] or senior college [if institution awards a bachelor’s degree]) accredited by the Accrediting Council for Independent Colleges and Schools to award (name all applicable specific credential levels from among certificates, diplomas, associate’s degrees, bachelor’s degrees, and master’s degrees).*

Institutions may add the following statement in announcing their accreditation:

*The Accrediting Council for Independent Colleges and Schools is listed as a nationally recognized accrediting agency by the United States Department of Education and is recognized by the Council for Higher Education Accreditation.*

For publications and advertising other than catalogs, institutions that wish to state the fact of accreditation shall use either the catalog language noted above or one of the following disclosure statements:

*“Accredited by the Accrediting Council for Independent Colleges and Schools”; or “Accredited Member, ACICS”*

An institution is not permitted to use such statements as “fully accredited” or “accredited” without including the name of ACICS. An institution will not use or publicize the term “accredited” unless it is in fact accredited by ACICS or another recognized agency, or it has affirmative authority under state law. An applicant for accreditation may not disclose this fact in any manner that implies that accreditation is imminent or guaranteed. Any reference to stated authority for status as “registered,” “approved,” or “accredited” must include the name of the state extending the approval and must accurately identify the state agency.

For electronic media and web sites, the institution may provide a hypertext mark-up language link (“html”) to the

ACICS web site when making public disclosure of its accredited status. Disclosure must be in compliance with Appendix C.

(pg. 99-102)

## **Appendix H Publications**

- (a) The institution must fully disclose what form(s) of instruction it uses in its catalog and web site and, when appropriate, in its advertising and promotional material. (The catalog disclosure must follow the requirements as described and outlined in Section 3-1-701 and Appendix C, number 22). (pg. 113)

**3-1-412. Recruitment.** Recruiting shall be ethical and compatible with the educational objectives of the institution.

The allocation of an institution's financial resources for purposes of recruitment shall be consistent with the stated mission of the institution. The following minimums apply:

(a) An institution shall ensure that any person or entity engaged in admissions or recruitment activities on its behalf is communicating current and accurate information regarding courses and programs, services, tuition, terms, and operating policies.

(b) No prospective student names obtained as a result of a survey, canvass, promise of future employment or income while a student, or other marketing activity by an institution may be used for recruitment purposes unless the name of that institution is clearly identified and purposes of such activity are communicated to the respondent. This does not preclude the use of surveys or other studies to determine the employment needs and the educational desires of the local community.

(c) An institution shall conform to the laws and regulations of each of the states in which it operates and shall ensure that each of its representatives is properly licensed or registered as required by the laws of that state.

(d) Representatives of an institution shall use only those titles which accurately reflect their actual duties and responsibilities. Recruitment and enrollment personnel may not be designated as counselors or advisors and may not make final decisions regarding financial aid eligibility, packaging, awarding, and disbursement.

(e) Referrals are permitted, and the referrer may be paid a fee so long as the referrer provides full disclosure and does not misrepresent the purposes of soliciting a prospective referral and such payments do not violate state or federal laws.

(f) All recruiters must be supervised by the institution's administration to ensure that their activities are in compliance with all applicable standards. (pg. 40)

<http://www.accsct.org/design/userFiles/files/StandardsofAccreditationandBylaws010109.pdf>

**The Accrediting Commission of Career Schools and Colleges of Technology  
STANDARDS OF ACCREDITATION  
January 1, 2009**

**ACCST STANDARDS OF ACCREDITATION RULES OF PROCESS AND  
PROCEDURE**

Advertising New Programs: A school may describe in its catalog, advertise, enroll students in, or award credentials for new or substantively changed programs (degree or non-degree programs) only after receiving prior Commission approval. ( pg. 30)

## VII. COMMISSION ACTIONS

### N. Voluntary Withdrawal

1. A school that is currently accredited may voluntarily withdraw from the Commission's list of accredited schools at any time. A school that is seeking initial accreditation may voluntarily withdraw an Application for Initial Accreditation, without prejudice, at any time prior to the Commission's final review of the school's application.

2. Requests for voluntary withdrawal must be in writing and must specify the date upon which the school wishes the voluntary withdrawal to be effective.

3. Upon receipt of notification from the Commission that withdrawal of accreditation is final, the school must:

a. Immediately inform all students enrolled in the school and those seeking admission that accreditation by ACCSCT has been withdrawn.

b. Delete all references to and claims of ACCSCT accreditation from catalogs, advertising, and promotional materials immediately and in no event later than 30 days after withdrawal of accreditation. (pg. 45)

## SECTION II – PROGRAM REQUIREMENTS

### B. Degree Programs

Degree programs represent a significant, additional educational commitment by a school and must be consistent with the school's mission. Therefore, accredited institutions offering degree programs must meet the additional requirements set forth in this section to ensure that institutions offering degree programs have the ability to meet this educational commitment and award degrees that represent sufficient breadth and depth of study in the field and only to eligible students who, within the appropriate time-frame, successfully complete the program requirements and demonstrate the required proficiencies, competencies, and skills. In addition, institutions offering degree programs must comply with all other applicable accrediting standards, including faculty, admissions, facilities, advertising, and student services standards. (pg. 69)

#### 2. Associate Degrees

a. The Commission has two classifications of associate degree programs – occupational and academic. Associate degree programs must be designed and offered in a way that appropriately balances distinct types of education and training and includes a comprehensive curriculum with appropriate coursework to achieve the program objectives.

b. An associate degree program must be a minimum of 60 semester hours or 90 quarter hours and a minimum of two academic years. Associate degree programs may not exceed by more than

50% the minimum number of credit hours required to confer the degree by the appropriate regulatory agency in the State(s) in which the school operates. If such minimums have not been established, then generally accepted practices in higher education shall apply.

c. Occupational Associate Degrees

i. An occupational associate degree program must include a minimum of 9 semester hours or 13.5 quarter hours in general education courses or applied general education courses that support the program objectives.

ii. An occupational associate degree program must include a minimum of 45 semester hours or 67.5 quarter hours in technical and occupationally related courses that are directly associated with the field for which the degree is offered.

iii. The title of the degree program, the name of the degree, the credential issued, the program description in the school's catalog, and all advertising, promotional materials, and literature make clear that the degree is occupational not academic. (pgs. 70-71)

3. Baccalaureate Degrees

a. A baccalaureate degree program must be designed and offered in a way that appropriately balances distinct types of education and training (i.e., technical and occupationally related courses and general education courses) and distinct levels of education and training (i.e., lower level and upper level courses), and must include a comprehensive curriculum with appropriate coursework to achieve the program objectives.

b. A baccalaureate degree program must be a minimum of 120 semester hours or 180 quarter hours and a minimum of four academic years. Baccalaureate degree programs may not exceed by more than 50% the minimum number of credit hours required to confer the degree by the appropriate regulatory agency in the State(s) in which the school operates. If such minimums have not been established, then generally accepted practices in higher education shall apply.

c. A baccalaureate degree program shall include a minimum of 30 semester hours or 45 quarter hours in general education courses. A baccalaureate degree program must include general education courses in written and oral communication and quantitative principles. The remainder of the required general education courses must provide an appropriate balance of natural and physical sciences; social and behavioral sciences; and humanities and fine arts that are designed to develop essential academic skills for enhanced and continued learning (see also *Section II (B)(1)(f), Substantive Standards, Standards of Accreditation*).

d. A minimum of 60 semester hours or 90 quarter hours must be in the technical field for which the degree is awarded.

e. A school may offer a baccalaureate degree completion program where only upper level courses (i.e., 300 and 400 level) are required. A baccalaureate degree completion program must be comprised of a minimum of 60 semester hours or 90 quarter hours of upper level coursework. In order to have a baccalaureate degree completion program approved, the school must require a student to have an earned associate, or higher level degree from an accredited postsecondary educational institution that is related to the educational program objectives of the baccalaureate degree completion program and that the school considers appropriate to prepare students for

matriculation into the upper level courses. Additionally, the school must maintain compliance with the general education and technical education requirements under this section of the *Standards of Accreditation*. Advertising of this type of degree program must make clear that it is a baccalaureate degree completion program. (pgs. 71-72)

## **SECTION IV – STUDENT RECRUITMENT**

### **A. Recruitment**

Each school observes ethical practices and procedures in the recruitment of its students. Ethical practices and procedures include, at a minimum, the following:

1. A school shall use only its employees to conduct student recruiting activities, except outside the United States, its territories, or its possessions, where a school may use third-party agents for recruiting.
2. Schools under common ownership may employ a single recruiter.
3. A school is prohibited from using employment agencies to recruit prospective students.
4. A school is responsible to its students and prospective students for the actions and representations of its recruiters and, therefore, selects recruiters with the utmost care and provides adequate training and proper supervision.
5. Each school complies with applicable state laws and regulations on student recruitment.
6. A school that authorizes its recruiters to advertise, to prepare advertising, or to use promotional materials must approve the materials in advance and accepts full responsibility for the materials used.
7. A school shall ensure that its recruiters do not make false or misleading statements about the school, its personnel, its training, its services, or its accredited status.
8. A school shall not permit its recruiters or other school personnel to recruit prospective students in or near welfare offices, unemployment lines, food stamp centers, homeless shelters, or other circumstances or settings where such persons cannot reasonably be expected to make informed and considered enrollment decisions. Schools may, however, recruit and enroll prospective students at one-stop centers operated under government auspices, provided that all other recruitment and admissions requirements are met.
9. A school may not make explicit or implicit promises of employment to prospective students.
10. A school shall not permit the payment of cash or other consideration to any student or prospective student as an inducement to enroll.
11. A school shall not permit its recruiters to assist prospective students in completing application forms for financial aid.

12. A school shall not permit its recruiters to become involved in admission testing or admission decisions.

13. The school must be clearly identified in all contacts with prospective students. (pg. 77)

#### **D. Advertising and Promotion**

1. All advertising and promotional materials are truthful and accurate and avoid leaving any false, misleading, or exaggerated impressions with respect to the school, its location, its name, its personnel, its training, its services, and its accredited status.

2. A school may use the term “University” in its name only when such use has been approved by the Commission and appropriate state authorities.

3. The school’s advertising and promotional materials must clearly indicate that education, and not employment, is being offered. No overt or implied claim or guarantee of individual employment is made at any time.

4. A school may not use the Employment or Help Wanted classifieds for any form of student recruitment.

5. Endorsements used in school catalogs, literature or advertising are used only with the written consent of the authors and are kept on file and subject to inspection. Such endorsements are used only when they are a bona fide expression of the author’s opinions and are strictly factual and portray currently correct conditions or facts. Under no circumstances may currently enrolled students provide endorsements on behalf of the school.

6. School literature and advertisements may not quote salaries for an occupation unless they also accurately indicate the normal range or starting salaries in the occupation for which for which training is provided and include the source of this information.

7. Scholarships are not used as a recruiting device.

8. A school may use the term “accredited” only if it indicates by what agency or organization it is accredited. Publication of accreditation must comply with the Advertising of Accredited Status form.5

9. Advertising of financial aid includes an eligibility phrase (e.g., financial aid available for those who qualify). (pg. 79)

10. A school may describe in its catalog, advertise, or promote new programs, substantive changes, or degree programs only after receiving Commission approval.

### **SECTION VIII – SEPARATE FACILITIES**

#### **D. Name, Relationship, and Advertising**



1. A branch campus may bear a different name from the main school provided that all applicable state requirements have been met. A satellite location must bear the same name as its main school or branch campus except that the name of the satellite location may also refer to its geographic location or type of training.
2. Each school's catalog and enrollment agreement must clearly define the relationship between a branch campus and its main school. All advertising and publications (e.g., catalog, enrollment agreement, recruiting literature, public notices, etc.) must identify the relationship between a satellite location and its branch campus or main school oversight entity.
3. A branch campus may advertise and disclose its relationship to the main school only after the approval of the Application for a Branch Campus–Part I. A satellite location may disclose in advertising and promotional materials its recognized status and relationship to the main school only after it has been granted recognition by the Commission. (pg. 88)

## **SECTION IX – DISTANCE EDUCATION**

### **D. Catalog and Advertising**

1. The catalog and other publications must clearly describe distance education programs or courses of study, including the school's expectations of distance education students, admissions requirements, the prerequisites for participation, expected learning outcomes, graduation requirements, access to the learning resource system, student services, technology requirements, and any other requirements.

2. The catalog must meet all necessary requirements outlined in *Section IV (B)(1), Substantive Standards, Standards of Accreditation*.

3. All advertisements and promotional materials must meet all necessary requirements outlined in *Section IV (D), Substantive Standards, Standards of Accreditation* and ACCSCT's *Advertising of Accredited Status Form*. (pg. 90-91)

## **Southern Association of Colleges and Schools, Commission on Colleges**

<http://www.sacscoc.org/pdf/081705/advertising.pdf>

## **ADVERTISING, STUDENT RECRUITMENT, AND REPRESENTATION OF ACCREDITED STATUS**

### **- Guidelines -**

All accredited higher education institutions, or individuals acting on their behalf, must exhibit integrity and responsibility in advertising, student recruitment, and representation of accredited status. Responsible self-regulation requires rigorous attention to principles of good practice.

### **Advertising, Publications, Promotional Literature**

1. Educational programs and services offered should be the primary emphasis of all advertisements, publications, promotional literature, and recruitment activities.

2. All statements and representations should be clear, factually accurate, and current. Supporting information should be kept on file and readily available for review.

3. Catalogs or other official publications should be readily available and accurately depict

- institutional purposes and goals
- entrance requirements and procedure
- basic information on programs and courses, with required sequences and frequency of course offerings explicitly stated
- degree and program completion requirements, including length of time required to obtain a degree or certificate of completion
- faculty (full-time and part-time listed separately) with degrees held and the conferring institution
- institutional facilities readily available for educational use
- rules and regulations for conduct
- tuition, fees, and other program costs
- opportunities and requirements for financial aid
- policies and procedures for refunding fees and charges to students who withdraw.

4. In college catalogs and/or official publications describing career opportunities, clear and accurate information should be provided on any unique requirements for career paths, or for employment and advancement opportunities in the profession or occupation described.

### **Student Recruitment for Admissions**

1. Student recruitment should be conducted by well-qualified admissions officers and trained volunteers whose credentials, purposes, and position or affiliation with the institution is clearly specified.

2. Independent contractors or agents used by the institution for recruiting purposes shall be governed by the same principles as institutional admission officers and volunteers.

3. The following practices in student recruitment are to be scrupulously avoided:

- a. assuring employment unless employment arrangements have been made and can be verified,
- b. misrepresenting job placement and employment opportunities for graduates,
- c. misrepresenting program costs,
- d. misrepresenting abilities required to complete intended program, and
- e. offering money or inducements other than educational services of the institution in exchange for student enrollment. (Except for awards of privately endowed restricted funds, grants or scholarships are to be offered only on the basis of specific criteria related to merit or financial need.)

### **Representation of Accredited Status**

1. The term "accreditation" is to be used only when accredited status is conferred by an accrediting body.
2. No statement should be made about possible future accreditation status or qualification not yet conferred by the accrediting body. Statements like the following are not permissible: "(Name of institution) has applied for candidacy with the Commission on Colleges of the Southern Association;" OR "The (program name) is being evaluated by the National Association of and it is anticipated that accreditation will be granted in the near future."
3. Any reference to state approval should be limited to a brief statement concerning the actual charter, incorporation, license, or registration given.
4. The phrase "fully accredited" should be avoided, since partial accreditation is not possible.
5. When accredited status is affirmed in institutional catalogs and other official publications, it should be stated accurately and fully in a comprehensive statement. (See Comprehensive Standard 3.14.1 in the *Principles of Accreditation*.)
6. The accredited status of a program should not be misrepresented.
  - a. Accreditation granted by an institutional accrediting body has reference to the quality of the institution as a whole. Since institutional accreditation does not imply specific accreditation of any particular program in the institution, statements like "this program is accredited," or "this degree is accredited," are incorrect and misleading.
  - b. "Free-standing" institutions offering programs in a single field (e.g., a school of art, engineering, or theology) and granted accreditation by a regional or national institutional accrediting body alone, should clearly state that this accreditation does not imply specialized accreditation of the programs offered.

*Approved: Executive Council, June 1985*

*Edited in accordance with the Principles of Accreditation: June 2004*

*Updated in accord with the revised Principles: December 2006*



**Middle States Commission on Higher Education**

**3624 Market Street, Philadelphia, PA 19104-2680. Tel: 267-284-5000.**

[www.msche.org](http://www.msche.org)

*Policy*

<http://www.msche.org/?Nav1=POLICIES&Nav2=INDEX>

**Advertising, Student Recruitment, and  
Representation of Accredited Status  
(Effective June 25, 2009)**

## **Advertising, Publications, and Promotional Literature**

1. Educational programs and services offered should be the primary emphasis of all advertisements, publications, promotional literature, and recruitment activities.
2. All statements and representations should be clear, factually accurate, and current. Supporting information should be kept on file and readily available for review.
3. Catalogs and other official publications should be readily available either on-line or in hard copy and should accurately depict:
  - a. institutional purposes and objectives;
  - b. admission requirements and procedures, including policies on transfer credit;
  - c. academic calendars and basic information on programs and courses, with required sequences and frequency of course offering explicitly stated;
  - d. degree and program completion requirements, including length of time normally required to obtain a degree or certificate of completion;
  - e. grievance procedures;
  - f. faculty and primary administrators (full-time and part-time listed separately) with degrees held and the conferring institution;
  - g. institutional facilities and services readily available for educational use;
  - h. rules and regulations for conduct;
  - i. grading system and related policies;
  - j: tuition, fees, and other program costs;
  - k. opportunities and requirements for financial aid;
- l. policies and procedures for refunding fees and charges to students who withdraw from enrollment.

4. In college catalogs and/or official publications describing career opportunities, clear and accurate information should be provided on:
  - a. national and/or state legal requirements for eligibility for licensure or entry into an occupation or profession for which education and training are offered;
  - b. any unique requirements for career paths, or for employment and advancement opportunities in the profession or occupation described.
5. Information on student learning outcomes should be available to prospective students.
6. Policies and procedures regarding transfer of credit and credit for extra-institutional college-level learning should be published and implemented. (See “Transfer Credit, Prior Learning, and Articulation.”)
7. All information required to be disclosed by applicable law or regulation should be disclosed as required.

### **Student Recruitment for Admissions**

1. Student recruitment should be conducted by well-qualified admissions officers and trained volunteers whose credentials, purposes, and position or affiliation with the institution are clearly specified.
2. Independent contractors or agents used by the institution for recruiting purposes shall be governed by the same principles as institutional admissions officers and volunteers.
3. No misrepresentations should be made in student recruitment, including:
  - a. assuring employment unless employment arrangements have been made and can be verified;
  - b. misrepresenting job placement and employment opportunities for graduates;
  - c. misrepresenting program costs;
  - d. misrepresenting abilities required to complete intended program;
  - e. offering to agencies or individual persons money or inducements other than

educational services of the institution in exchange for student enrollment.

### **Representation of Accredited Status**

1. The term “accreditation” is to be used only when accredited status is conferred by an accrediting agency recognized by the U.S. Secretary of Education and/or the Council for Higher Education Accreditation.
2. No statement should be made about possible future accreditation status or qualification not yet conferred by the accrediting body.

Statements such as the following are **not** permissible:

“(Name of institution) has applied for candidacy with the Commission on Higher Education of the Middle States Association of Colleges and Schools”,

“The (Name of program) is being evaluated by the Association of \_\_\_\_\_, and it is anticipated that accreditation will be granted in the near future.”

3. Any reference to state approval should be limited to a brief statement concerning the actual charter, incorporation, license, or registration given.
4. The phrase “fully accredited” must not be used, since no partial accreditation is possible.
5. When accredited status or Candidate for Accreditation status is affirmed in institutional catalogs and other official publications, in print, via the internet or other electronic transmissions, it should be stated accurately and fully in a comprehensive statement including:

a. identifying the accrediting agency by name, including the agency’s address and telephone number

b. indicating the scope of accreditation as:

(1) institutional (regional or national)

*Example for a Candidate Institution:*

The University of \_\_\_\_\_ is a Candidate for Accreditation by the Commission on Higher Education of the Middle States Association of

Colleges and Schools, 3624 Market Street, Philadelphia, PA 19104. (267-284-5000)

Candidate for Accreditation is a status of affiliation with a regional accrediting commission which indicates that an institution has achieved initial recognition and is progressing toward, but is not assured of, accreditation. It has provided evidence of sound planning, appears to have the resources to implement the plans, and appears to have the potential for reaching its goals within a reasonable time.

*Example for an Accredited institution:*

The University of \_\_\_\_\_ is accredited by the Middle States Commission on Higher Education, 3624 Market Street, Philadelphia, PA 19104. (267-284-5000) The Middle States Commission on Higher Education is an institutional accrediting agency recognized by the U.S. Secretary of Education and the Council for Higher Education Accreditation.

Note that the Commission is recognized by the U.S. Secretary of Education for accrediting activities in the Middle States region, which includes the District of Columbia, Delaware, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, and the U.S. Virgin Islands.

Institutions based outside of the United States, whether or not chartered or licensed within the Middle States region, may not make reference to the Commission's recognition by the U.S. Secretary of Education. Any reference to accredited status may not imply that the Secretary's recognition of the agency extends to foreign institutions.

(2) programmatic (curriculum or unit accredited must be specified)

*Examples:*

Programs in Art and Design are accredited by the National Association of Schools of Art and Design, a specialized accrediting agency recognized by (the U.S. Secretary of Education and/or the Council for Higher Education Accreditation).

The Department of Music at the University of \_\_\_\_\_ is accredited by the National Association of Schools of Music, a specialized accrediting

agency recognized by (the U.S. Secretary of Education and/or the Council for Higher Education Accreditation).

Programs for the preparation of elementary, secondary, and special education teachers at the bachelor's and master's level, for the preparation of guidance counselors at the master's and specialist degree level, and for school superintendents at the specialist and doctoral degree level are accredited by the National Council for Accreditation of Teacher Education, a specialized accrediting agency recognized by (the U.S. Secretary of Education and/or the Council for Higher Education Accreditation).

Under no circumstances may the institution imply that the program is accredited by the Middle States Commission on Higher Education.

6. The accredited status of a program should not be misrepresented.

a. The accreditation granted by an institutional accrediting agency has reference to the quality of the institution as a whole. Since institutional accreditation does not imply specific accreditation of any particular program in the institution, statements like “this program is accredited” or “this degree is accredited” are incorrect and misleading. Institutions wishing to make a statement about the relationship of a degree or program to the institution as a whole should state that the program or degree is offered at an institution that is accredited by the Middle States Commission on Higher Education, 3624 Market Street, Philadelphia, PA 19104, 267-284-5000. The statement also should make clear that Commission accreditation does not imply specialized accreditation of the programs offered.

b. “Free-standing” institutions offering programs in a single field (e.g., a school of art, engineering, or theology), granted accreditation by a regional or national institutional accrediting agency alone, should clearly state that this accreditation does not imply specialized accreditation of the programs offered.

c. Institutions granted the status of Candidate for Accreditation must use the statement described above under Representation of Accredited Status. In addition, the institution should indicate the effective date (month and year) candidate status was granted.

7. Institutions that are accredited by the Commission on Higher Education are encouraged to use the MSCHE logo in the acknowledgement of their accredited status. Prior to use of the logo, the institution must receive written permission to do so. To request such permission, contact the MSCHE Office of Communications and Public Relations at (267) 284-5048 or via email at [rpokrass@msche.org](mailto:rpokrass@msche.org). The institution will receive an electronic file of the logo along with



acceptable use guidelines, including approved colors and wording to accompany the logo.

## **STATE REGULATION:**

### **Illinois:**

<http://www.ibhe.org/privacy.htm>

### **Disclaimer of Endorsement**

The Illinois Board of Higher Education is a distributor of content sometimes supplied by third parties and users. Any opinions, advice, statements, services, offers, or other information or content expressed or made available by third parties, including information providers, users, or others, are those of the respective author(s) or distributor(s) and do not necessarily state or reflect those of the Illinois Board of Higher Education and shall not be used for advertising or product endorsement purposes. Reference herein to any specific commercial products, process, or service by trade name, trademark, manufacturer, or otherwise, does not constitute or imply its endorsement, recommendation, or favoring by the Board.

### **Texas:**

Institutions must certify compliance with:

Advertising, recruiting, and admissions materials clearly and accurately represent the program or course and the services available.

<http://www.theccb.state.tx.us/index.cfm?objectid=63619A3E-92BE-3674-B581F5D5746A8B89>

Before maintaining, advertising, soliciting for, or conducting any course of instruction in Texas, an organization must make written application to TWC and obtain either of the following: (1) a certificate of approval to operate or do business in Texas; or (2) a written exemption from the provisions of the Career School Law. It is important that an organization not **assume** an exemption. TWC is responsible for determining operations that comply with the law's exemption provisions. Further, TWC has the legal authority to impose penalties or sanctions for violations of the Career School Law or TWC's rules pertaining to this law

<http://www.theccb.state.tx.us/reports/PDF/1045.PDF>

### **New York:**

<http://www.op.nysed.gov/part29.htm>

1. advertising or soliciting for patronage that is not in the public interest:
  - i. Advertising or soliciting not in the public interest shall include, but not be limited to, advertising or soliciting that:
    - a. is false, fraudulent, deceptive or misleading;
    - b. guarantees any service;

- c. makes any claim relating to professional services or products or the cost or price therefore which cannot be substantiated by the licensee, who shall have the burden of proof;
    - d. makes claims of professional superiority which cannot be substantiated by the licensee, who shall have the burden of proof;  
or
    - e. offers bonuses or inducements in any form other than a discount or reduction in an established fee or price for a professional service or product.
  - ii. The following shall be deemed appropriate means of informing the public of the availability of professional services:
    - a. informational advertising not contrary to the foregoing prohibitions; and
    - b. the advertising in a newspaper, periodical or professional directory or on radio or television of fixed prices, or a stated range of prices, for specified routine professional services, provided that if there is an additional charge for related services which are an integral part of the overall service being provided by the licensee, the advertisement shall so state, and provided further that the advertisement indicates the period of time for which the advertised prices shall be in effect.
  - iii.
    - a. all licensees placing advertisements shall maintain, or cause to be maintained, an exact copy of each advertisement, transcript, tape or videotape thereof as appropriate for the medium used, for a period of one year after its last appearance. This copy shall be made available for inspection upon demand of the Education Department;
    - b. a licensee shall not compensate or give anything of value to representatives of the press, radio, television or other communications media in anticipation of or in return for professional publicity in a news item;
  - iv. Testimonials, demonstrations, dramatizations, or other portrayals of professional practice are permissible provided that they otherwise comply with the rules of professional conduct and further provided that the following conditions are satisfied:
    - a. the patient or client expressly authorizes the portrayal in writing;
    - b. appropriate disclosure is included to prevent any misleading information or imagery as to the identity of the patient or client;
    - c. reasonable disclaimers are included as to any statements made or results achieved in a particular matter;

- d. the use of fictional situations or characters may be used if no testimonials are included; and
- e. fictional client testimonials are not permitted;

## **New York**

### **DEGREE GRANTING INSTITUTIONS CODE OF ETHICS FOR ADVERTISING, PROMOTIONAL LITERATURE AND RECRUITING** <http://www.highered.nysed.gov/ocue/04/codeofethics.htm>

All degree granting institutions, or individuals acting on their behalf, should adhere to the following principles concerning advertising, promotional literature, and recruiting.

- The primary emphasis of all advertisements, promotional literature and recruitment activities should be the educational services offered by the institution.
- All statements and representations should be clear, current: accurate, and factual. Materials to support all such statements should be kept on file and should be available for review.
- Any endorsement or recommendation should include the author's identity and qualifications (e.g. graduate, employer) and should be used only with the author's consent. No remuneration should be paid for such endorsement or recommendation.
- Students should not be recruited or enrolled by:
  - (a) Assuring or seeming to assure employment for graduates in any business, establishment, or occupation unless actual arrangements for such employment have been made;
  - (b) misrepresenting the true cost of, or the abilities required to complete, the intended programs of study;
  - (c) Offering money or inducements other than approved educational services in exchange for the student's enrollment.
    - Prior to enrolling, all prospective students should be informed of both: (a) the tuition, fees, and other costs for the program to be undertaken, and (b) the refund policies pertaining to those charges.
    - Financial aid should not be used as the sole enrollment incentive in recruiting students. Financial aid which is available only at a particular institution should be distinguished from aid available at most institutions (such as TAP and BEOG).
    - When recruiting students, representatives of an institution should state clearly their credentials, purpose, and position or affiliation with the institution.
    - Recruiters should be volunteers or paid employees of the institution and should not be paid on the basis of the numbers of students recruited.
    - References to the New York State Board of Regents or the New York State Education Department should be limited to a statement concerning actual approvals (e.g. charter, licensure, registration) granted by the Regents or Department.

**Pennsylvania:**

**-Advertising, including student pool, alumni, regional, statewide, national § 31.32**

<http://www.pde.state.pa.us/higher/cwp/view.asp?A=6&Q=41373&pp=3>

**31.32. Catalog and announcements.**

(a) An institution's current catalog and official publications, as appropriate, must describe accurately the institution's policies, including the institution's policy of nondiscrimination, grievance procedures, regulations and programs affecting students, and include the academic expectations and responsibilities of students.

(b) The catalog shall make explicit tuition costs and fees for which students will be charged and shall include a statement of the institution's refund policy.

(c) Each institution shall file its current official catalog with the Department in print or electronic format.

**(d) Each institution shall provide each student a copy of the current catalog, in print or electronic form, upon enrollment**

<http://www.pacode.com/secure/data/022/chapter31/s31.32.html>